

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RIANNA RICHARDS and JANE WANGARI,
individuals,

Plaintiffs,

v.

SCHOEN TRUST COMPANY, as Successor
Administrator of THE ESTATE OF EUGENE E.
HENSELER and as Trustee of the HENSELER
LIVING TRUST,

Defendant.

NO. 2:22-cv-00878-TL

**STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND ORDER
APPROVING SETTLEMENT AND
VACATING JUDGMENT**

NOTE ON MOTION CALENDER:
April 6, 2023

On April 5, 2023, this Court entered an Order granting the Parties' Joint Motion for Approval of FLSA Release and Settlement, thereby approving the parties' settlement agreement. Dkt. No. 34. As part of the Order, the Court dismissed plaintiffs' claims with prejudice, and issued a Judgment that same day dismissing plaintiffs' claims with prejudice. Dkt. Nos. 34-35.

The settlement agreement approved by the Court states that for plaintiffs to receive the agreed upon settlement funds and thereby release their claims at issue, two conditions must be met: (1) approval by this Court of the settlement agreement; and (2) the lapse of appeal rights of an approval of the settlement agreement by the Superior Court of King County, as set forth in

1 paragraphs four and five of the agreement . *See* Dkt. No. 33 at 7-8. If the second condition is not
2 met the settlement agreement “shall be void and of no legal effect.” *Id.*

3 By approving the settlement agreement, this Court has met the first condition. However,
4 the parties confirm that, to date, the King County Superior Court has not yet reviewed or approved
5 the settlement agreement. The parties anticipate that the King County Superior Court will review
6 the settlement agreement and hopefully decide whether to approve it by June 30, 2023.
7

8 In the interim, and as per the approved settlement agreement states, the parties agree that
9 plaintiffs’ claims should not be dismissed with prejudice until after the second condition in the
10 settlement agreement has been met.

11 **I. STIPULATION**

12 The Parties agree it is appropriate for the Court to amend the Order and vacate the
13 Judgment at this time, and respectfully request that the Order be amended to:
14

- 15 (i) Not dismiss plaintiffs’ claims; and
16 (ii) Stay the proceedings until the parties confirm whether the second condition in the
17 settlement agreement has been met.

18 IT IS SO STIPULATED.
19
20
21
22
23
24
25
26

Respectfully submitted this 6th day of April, 2023.

REKHI & WOLK, P.S.

By: s/ Gregory Wolk

Gregory A. Wolk, WSBA No. 28946

Hardeep S. Rekhi, WSBA No. 34579

529 Warren Avenue North, Suite 201

Seattle, WA 98109

Telephone: 206.388.5887

Fax: 206.577.3924

E-mail: hardeep@rekhiwolk.com

E-mail: greg@rekhiwolk.com

Attorneys for Plaintiffs

MONTGOMERY PURDUE PLLC

By: /s/ Benjamin I. VandenBerghe

Benjamin I. VandenBerghe, WSBA #35477

Henry G. Ross, WSBA #51591

701 Fifth Avenue, Suite 5500

Seattle, WA 98104

Telephone: (206) 682-7090

Fax: (206) 625-9534

Email: biv@montgomerypurdue.com

Email: hross@montgomerypurdue.com

Attorneys for Defendant

II. ORDER

Pursuant to the Parties' stipulated motion (Dkt. No. 36), which notes that dismissal of their claims and the issuance of a judgment is premature given that their settlement remains pending and not final, it is hereby ORDERED:

- (1) The Parties' stipulated motion (Dkt. No. 36) to amend the Court's prior order is GRANTED.
- (2) The Court's Order Granting Parties' Joint Motion for Approval of FLSA Release and Settlement (Dkt. No. 34) is VACATED in part. The Court approves the Parties' proposed settlement release and agreement but withdraws the dismissal of Plaintiffs' claims.
- (3) The judgment (Dkt. No. 35) dismissing Plaintiffs' claims with prejudice is VACATED.
- (4) This matter is STAYED pending the Parties' finalization of their settlement agreement.
- (5) The Parties are DIRECTED to notify the Court of the status of the finalization of the settlement agreement by no later than **June 30, 2023**.

IT IS SO ORDERED.

Dated this 10th day of April 2023.



Tana Lin
United States District Judge